

REMARKS

In response to the Office Action mailed February 9, 2006, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1, 3-35, and 37-93 are pending in this application, of which claims 1, 20, 35, 51, 57, 64, 71, 78, 86, 87, 90, 91, and 92 are independent claims. By this amendment, Applicants have cancelled claim 2 without prejudice or disclaimer. In addition, Applicants have amended claims 35, 71, 72, and 84 solely to correct minor typographical errors, and not to overcome any rejections based on prior art. The application as now presented is believed to be in allowable condition.

I. Claim Rejections Under 35 U.S.C. §112, Second Paragraph

On page 2 of the Office Action, claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the claim was rejected as being indefinite in view of an apparent inconsistency between dependent claim 2 and independent claim 1.

Claim 2 has been cancelled. Accordingly, withdrawal of this rejection is respectfully requested.

II. Claim Rejections under 35 U.S.C. §103(a) – Kiltz in view of Suzuki

On page 2 of the Office Action, claims 1-3, 5-7, 9-17, 20-22, 24, 25, 27-32, 35-37, 39, 40, 42-46, 51, 53, 54, 92 and 93 (including independent claims 1, 20, 35, 51, and 92) were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kiltz (U.S. Patent No. 5,191,319) in view of Suzuki (U.S. Patent No. 6,362,411). Applicants respectfully traverse these rejections.

a. Independent Claim 1

Applicants' claim 1 is directed to a method for executing a lighting program to control a plurality of light emitting diodes (LEDs). The method comprises acts of: (A) receiving an audio input in a digital music file format; (B) digitally processing the audio input to determine at least one characteristic of the audio input; (C) executing the lighting program to generate control signals to

control the plurality of LEDs, wherein the lighting program is arranged to control the plurality of LEDs to display a lighting sequence comprising at least two lighting effects spaced in time; and (D) during execution of the lighting program in the act (C), generating at least one of the control signals based at least in part on the at least one characteristic of the audio input.

As set forth in MPEP §2143, three criteria must be met in order to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the cited reference(s) or in the knowledge generally available to one of ordinary skill in the art, to modify the cited reference(s) or to combine reference teachings (if multiple references are cited). Second, there must be a reasonable expectation of success. The teaching or suggestion to modify the reference(s) or to combine reference teachings, as well as the reasonable expectation of success, must both be found in the prior art and not based on Applicants' disclosure. Third, the prior art reference(s), when viewed as a whole, must teach or suggest all of the claimed features. Failure to meet any one of these criteria – a teaching or suggestion of all claim elements, a specific suggestion or motivation to modify or combine the prior art, and a reasonable expectation of success – is sufficient to render an obviousness rejection improper.

As discussed below, *none* of these three criteria is met in the rejection of claim 1 over the combination of Kiltz and Suzuki.

1. The combination of Kiltz and Suzuki does not teach or suggest all claim elements.

Several features of claim 1 are not taught or suggested by the combination of Kiltz and Suzuki.

First, the combination does not teach or suggest “digitally processing the audio input to determine at least one characteristic of the audio input,” wherein the audio input is received in a digital music file format, as recited in claim 1. The Office Action asserts that the feature of “digitally processing the audio input” is taught by the decode logic 70 of Kiltz, citing element 70 in Fig. 1 and col. 4, lines 43-46. Although Applicants agree that the decode logic 70 receives a digital input of *some form*, Applicants disagree that the decode logic 70 receives an audio input in a *digital music file format*. Rather, the decode logic 70 receives a digital signal representing the instantaneous frequency content of the audio spectrum of an audio input (e.g., Kiltz at col. 6, lines

60-64 and col. 7, line 6-12). Thus, the digital signal merely includes frequency information, not musical content. Accordingly, it is clearly inaccurate to refer to the signal applied to Kiltz's decode logic 70 as having a digital music file format.

In addition, Applicants disagree with assertion in the Office Action that the decode logic 70 of Kiltz digitally processes an audio input "to determine at least one characteristic of the audio input." In this respect, Applicants note that the only function performed by Kiltz's decode logic 70 is converting a six-bit binary signal to eleven one-bit binary signals, the values of which are determined by the value of the six-bit binary signal (col. 7, lines 12-15 and 49-50). The determination of the characteristic of the audio input (i.e., the frequency content of the audio input) is performed not by the decode logic 70, but instead by the frequency to voltage converter 40 shown in Kiltz's Fig. 1. The decode logic 70 itself does not determine any characteristic of an audio input, but rather merely converts a digital signal representing frequency information into a format that allows the analog switches 80 to be controlled.

Second, the combination does not teach or suggest "executing the lighting program to generate control signals to control the plurality of LEDs" and "generating at least one of the control signals based at least in part on the at least one characteristic of the audio input," as recited in claim 1. The Office Action concedes that Kiltz does not disclose executing a lighting program or executing the lighting program to generate the control signals, and cites Suzuki to allegedly provide this teaching. Specifically, the Office Action cites the Abstract of Suzuki as disclosing "extracting control data from waveforms" (Office Action, page 4, paragraph 2). This process of extracting control data from waveforms is described in detail in Suzuki at col. 13, lines 12-35, in connection with Fig. 6 thereof. As described, the control data (referred to as "templates" in the passage) is, in fact, generated based on a characteristic of an audio input. However, the control data is generated by the parameter detecting device of Suzuki's Fig. 6 and not by a "program." Rather, it is particularly noteworthy that the control data in Suzuki is generated by the same type of hardwired circuitry that is generally employed in Kiltz – which the Examiner already conceded does not constitute a program.

The Office Action further cites col. 24, lines 44-61 of Suzuki, stating "Suzuki discloses.... the invention may be implemented in hardware such as hardwired logic or software programs."

However, the cited passage of Suzuki does not suggest that the hardwired circuitry used to generate the control data may be implemented using a software program. Rather, the passage merely suggests that the portions of the invention implemented *by software programs* may instead be implemented in *hardware*. There is no suggestion in the passage that portions of the invention implemented by hardware may instead be implemented using software programs, nor any specific reference to the circuitry of Fig. 6.

Third, neither Kiltz nor Suzuki discloses a “lighting program,” as recited in claim 1. As conceded in the Office Action, Kiltz does not teach a lighting program. Further, Suzuki is wholly unrelated to lights, and therefore does not teach or suggest a *lighting* program. Thus, neither reference teaches or suggests a lighting program.

Fourth, neither reference discloses or suggests “LEDs” as recited in claim 1. The Examiner takes official notice that it would have been obvious to one of ordinary skill in the art to use LEDs in place of the lamps used in the combination of Kiltz and Suzuki. Applicants respectfully disagree. Kiltz is directed to a visual color display that portrays music (Abstract). The display apparatus 100 comprises a globe 101 that is fixed on mounting base 106 to cause diffusion of the light emitted from colored lights 102 (col. 8, lines 55-57). Lights of a sufficient size are required to illuminate the entire surface of the globe in Kiltz and create an aesthetically pleasing sense of the musical composition (col. 2, lines 49-63). The Office Action cites Drago (U.S. Patent No. 5,461,188) as using LEDs in a similar invention to support the alleged obviousness of the modification to substitute Kiltz’s lamps with LEDs. However, in Drago, there are constraints imposed on the size of the lights because the light system is intended to be incorporated into articles of clothing, such as a pair of shoes (Abstract). Moreover, there is no diffusion globe in Drago that the lights must illuminate.

For at least the foregoing reasons, Kiltz and Suzuki, alone or in combination, fail to teach or suggest all claim limitations. Accordingly, the Office Action has failed to establish at least this criterion of a *prima facie* case of obviousness as set forth in MPEP §2143.

2. There is no suggestion or motivation to combine Kiltz and Suzuki.

The Office Action alleges that a person of ordinary skill in the art would have been motivated to modify the hardware implementation of Kiltz to operate in a software environment to reduce the number of parts required to produce the Kiltz invention. Applicants respectfully disagree that a person of ordinary skill in the art would have been so motivated.

First, Suzuki teaches processing an analog signal, received from a microphone, to identify characteristics thereof, e.g., tone volume variation, tone pitch variation, and format variation (col. 13, lines 17-29). As discussed above, Suzuki teaches that this processing is performed using hardwired circuitry (Fig. 6 and col. 13, lines 12-35). Thus, Suzuki would not have motivated a person of ordinary skill in the art to implement the hardwired circuitry of Kiltz using a program, because Suzuki also uses hardwired circuitry.

Further, no other teachings of Suzuki would have motivated one to modify the hardware implementation of Kiltz to operate in a software environment. Although Suzuki teaches using programs in some contexts, Suzuki does not disclose executing a program to generate control signals based on a characteristic of an audio input.

Second, a person of ordinary skill in the art would not have been motivated to modify the hardware implementation of Kiltz to operate in a software environment because Kiltz teaches away from such a modification. One stated objective of the system of Kiltz is that it be “capable of sufficiently inexpensive implementation for home use by individuals” (col. 2, lines 30-32). Operation of the Kiltz system in a software environment arguably would increase the cost of the system by adding unnecessary complexity, whereas Kiltz teaches that an inexpensive implementation is desirable. Another objective of the system of Kiltz is that all components required for its implementation be “of a non-specialized nature and readily obtainable” (col. 2, lines 64-68). This also teaches away from a software implementation of the Kiltz system, which would require an executable program specialized for a specific purpose.

Further, operation of the Kiltz system in a software environment provides no apparent benefit. Although the Office Action alleges that operation of the Kiltz system in a software environment would reduce the number of parts in the Kiltz system, there is no suggestion that the

size of the hardwired circuitry (or its number of parts) is a detriment to the system, or that any benefit would be derived from reducing the number of parts.

Third, one would not have been motivated to apply the teachings of Suzuki to the system of Kiltz because Kiltz and Suzuki address two unrelated problems and solve their respective problems by unrelated solutions. Specifically, Kiltz is concerned with a visual color display that portrays music (Abstract), whereas Suzuki is concerned with inputting music-performance control data which can impart, to music performance data, high-quality performance expressions as afforded by natural instruments (col. 1, lines 51-55). Suzuki is wholly unrelated to the control of lights, making no reference to lights either explicitly or implicitly. Applicants respectfully assert that one would not have been motivated to implement the hardwired circuitry of Kiltz as a lighting program based on a reference that does not even suggest a lighting program and, indeed, does not relate to lights in any manner.

For at least the foregoing reasons, there is no suggestion or motivation to combine Kiltz and Suzuki, and again a *prima facie* case of obviousness has therefore not been established pursuant to MPEP § 2143.

3. There is no reasonable expectation of success.

The Office Action fails to specify any indication, either in the references themselves or in the knowledge generally available in the art, of a reasonable expectation of success in combining Kiltz and Suzuki. Most notably, the Office Action completely fails to specify or suggest in any manner *how* one of ordinary skill in the art would practically and realistically combine various elements of Kiltz and Suzuki to successfully arrive at an apparatus or method that would resemble the subject matter of Applicants' claims.

It is noteworthy that the Office Action fails to provide any methodology for practically and realistically applying any features of Suzuki to modify Kiltz, nor does the Examiner provide any example of a reasonable expectation of success in making any such modification. Instead, the Office Action merely provides a general assertion of an alleged motivation to combine the references, without any specific support or discussion of a reasonable expectation of success in combining the references.

In view of the foregoing, it is entirely unclear from the Kiltz and Suzuki references how the different elements of these references would realistically be combined to provide a viable functioning device. Not only do the references, when viewed as a whole, fail to provide any such teaching, suggestion or motivation, but furthermore the Office Action provides no insight as to how to practically and successfully implement such a combination.

4. For each of the three reasons set forth above, no *prima facie* case of obvious has been established.

In view of the foregoing, Kiltz and Suzuki, either alone or in combination, fail to disclose or suggest all of the features of claim 1. In addition, there is no suggestion or motivation to combine Kiltz and Suzuki, and no reasonable expectation of success. Accordingly, claim 1 patentably distinguishes over the combination of Kiltz and Suzuki and is in condition for allowance. Therefore, the rejection of the claim should be withdrawn.

Claims 3-19 depend from claim 1 and are allowable based at least upon their dependency.

b. Independent Claim 20

Applicants' claim 20 is directed to a computer readable medium encoded with a program that, when executed, performs the method of claim 1. Accordingly, for reasons similar to those discussed above in claim 1, claim 20 patentably distinguishes over the combination of Kiltz and Suzuki and is in condition for allowance. Therefore the rejection of this claim should be withdrawn.

Claims 21-34 and 93 depend from claim 20 and are allowable based at least upon their dependency.

c. Independent Claim 35

Applicants' claim 35 is directed to an apparatus for executing a lighting program to control a plurality of light emitting diodes (LEDs). The apparatus comprises at least one storage medium to store the lighting program; at least one input to receive an audio input in a digital music file format; an audio decoder to digitally process the audio input to determine at least one characteristic of the audio input; and at least one controller, coupled to the audio decoder and the at least one storage medium, to execute the lighting program to generate control

signals to control the plurality of LEDs. The lighting program is arranged to control the plurality of LEDs to display a lighting sequence comprising at least two lighting effects spaced in time, and the at least one controller generates at least one of the control signals based at least in part on the at least one characteristic of the audio input.

Neither Kiltz nor Suzuki, alone or in combination, discloses or suggests each of the limitations of claim 35. First, as discussed in connection with claim 1, the combination of Kiltz and Suzuki does not teach or suggest digitally processing the audio input, in a digital music file format, to determine at least one characteristic of the audio input. For similar reasons, the combination also does not teach or suggest “an audio decoder to digitally process the audio input,” in a digital music file format, “to determine at least one characteristic of the audio input,” as recited in claim 35. Second, for reasons similar to those discussed in connection with claim 1, the combination of Kiltz and Suzuki does not teach or suggest “at least one controller... to execute the lighting program to generate control signals to control the plurality of LEDs... wherein the at least one controller generates at least one of the control signals based at least in part on the at least one characteristic of the audio input,” as recited in claim 35.

Further, for the reasons discussed in connection with claim 1, one of ordinary skill in the art simply would not have been motivated to combine Kiltz and Suzuki and there would be no reasonable expectation of success in implementing such a combination.

In view of the foregoing, claim 35 patentably distinguishes over the combination of Kiltz and Suzuki and is in condition for allowance. Therefore the rejection of this claim should be withdrawn.

Claims 37-50 depend from claim 35 and are allowable at least based on their dependency.

d. Independent Claim 51

Applicants' claim 51 is directed to a computer readable medium encoded with a first program that, when executed on a processor, performs a method for executing a lighting program to control a plurality of light emitting diodes (LEDs), wherein the processor is programmed with a second program that processes an audio input to determine at least one characteristic of the audio input. The method comprises acts of: (A) receiving information from the second program relating

to the at least one characteristic of the audio input, wherein the audio input is in a digital music file format; (B) executing the lighting program to generate control signals to control the plurality of LEDs, wherein the lighting program is arranged to control the plurality of LEDs to display a lighting sequence comprising at least two lighting effects spaced in time; and (C) during execution of the lighting program in the act (B), generating at least one of the control signals based at least in part on the at least one characteristic of the audio input received from the first program.

Neither Kiltz nor Suzuki, alone or in combination, discloses or suggests each of the limitations of claim 51. First, for reasons similar to those discussed in connection with claim 1, the combination of Kiltz and Suzuki does not teach or suggest “executing the lighting program to generate control signals to control the plurality of LEDs” and “generating at least one of the control signals based at least in part on the at least one characteristic of the audio input received from the first program,” as recited in claim 51. Second, the combination of Kiltz and Suzuki does not teach or suggest “receiving information from the second program relating to the at least one characteristic of the audio input, wherein the audio input is in a digital music file format,” as recited in claim 51. The Office Action cites the decode logic 70 of Kiltz in connection with this claim recitation. However, as discussed in connection with claim 1, the decode logic 70 does not receive an audio input in a digital music file format.

Further, for the reasons discussed in connection with claim 1, one of ordinary skill in the art simply would not have been motivated to combine Kiltz and Suzuki and there would be no reasonable expectation of success in implementing such a combination.

In view of the foregoing, claim 51 patentably distinguishes over the combination of Kiltz and Suzuki and is in condition for allowance. Therefore the rejection of this claim should be withdrawn.

Claims 52-56 depend from claim 51 and are allowable based at least upon their dependency.

e. Independent Claim 92

Applicants’ claim 92 is directed to a method for executing a lighting program to control a plurality of light emitting diodes (LEDs) to create a light show. The method comprises acts of: (A) receiving an audio input having a duration and varying in time during the duration of the audio

input, wherein the audio input is in a digital music file format; (B) digitally processing the audio input to determine at least one first characteristic of the audio input at a first time during the duration; (C) executing the lighting program in synchronization with the audio input to generate control signals to control the plurality of LEDs, wherein the lighting program is arranged to control the plurality of LEDs to display, as part of the light show, a lighting sequence comprising at least two lighting effects spaced in time; and (D) during execution of the lighting program in the act (C) at a time that is prior to the first time during the duration of the audio input, generating at least one of the control signals based at least in part on the at least one first characteristic of the audio input so that the light show anticipates changes in the audio input.

Claim 92 includes all of the limitations of claim 1. Accordingly, for at least the reasons discussed in connection with claim 1, the rejection of claim 92 is improper.

Further, Applicants disagree that the combination of Kiltz and Suzuki teaches or suggests “at a time that is prior to the first time during the duration of the audio input, generating at least one of the control signals based at least in part on the at least one first characteristic of the audio input so that the light show anticipates changes in the audio input.” The assertion in the Office Action that in Kiltz “the system acts at point A and then again at point B,” while true, is insufficient to meet the recited limitation. Significantly, Applicants note that the claim recites the “at least one first characteristic of the audio input” as occurring “at a first time.” The combination does not teach or suggest, and the Office Action does not allege, that control signals *based at least in part on the at least one first characteristic* are generating prior to *the first time* (that is, the time at which the at least one first characteristic of the audio input occurs).

In view of the foregoing, claim 92 patentably distinguishes over the combination of Kiltz and Suzuki and is in condition for allowance. Therefore the rejection of this claim should be withdrawn.

III. Claim Rejections under 35 U.S.C. §103 over the Combination of Kiltz and Drago

On page 22 of the Office Action, claims 4, 18, 19, 23, 33, 34, 38, 49-50, 55, 57-60, 62-67, 69-74, 76-82, 84-89, and 91 (including independent claims 57, 64, 71, 78, and 91) were rejected as

allegedly being obvious over Kiltz and Suzuki and further in view of Drago et al. (U.S. Patent 5,461,188). Applicants respectfully traverse these rejections.

a. Independent Claims 57 and 64

Applicants' claim 57 is directed to a method for executing a lighting program to control a plurality of light emitting diodes (LEDs). The method comprises acts of (A) receiving an audio input and an input from at least one timer, wherein the audio input is in a digital music file format; (B) analyzing the audio input to determine at least one characteristic of the audio input; (C) executing the lighting program to generate control signals to control the plurality of LEDs, wherein the lighting program is arranged to control the plurality of LEDs to display a lighting sequence comprising at least two lighting effects spaced in time; and (D) during execution of the lighting program in the act (C), generating at least one of the control signals based at least in part on the at least one characteristic of the audio input and the input from the at least one timer. Claim 64 is directed to a computer readable medium encoded with a program that, when executed, performs the method of claim 57.

The combination of Kiltz, Suzuki, and Drago does not disclose or suggest each of the limitations of claim 57 and 64. First, for reasons similar to those discussed in connection with claim 1, the combination of Kiltz and Suzuki does not teach or suggest analyzing the audio input, in a digital music file format, to determine at least one characteristic of the audio input, as recited in claims 57 and 64. Drago adds nothing in this respect, and is not relied on for this teaching. Second, for reasons similar to those discussed in connection with claim 1, the combination of Kiltz and Suzuki does not teach or suggest "executing the lighting program to generate control signals to control the plurality of LEDs" and "generating at least one of the control signals based at least in part on the at least one characteristic of the audio input..." as recited in claims 57 and 64. Drago adds nothing in this respect, and is relied on only for the portions of the claim relating to a timer.

Further, for the reasons discussed in connection with claim 1, one of ordinary skill in the art simply would not have been motivated to combine Kiltz and Suzuki and there would be no reasonable expectation of success in implementing such a combination. Thus, the combination of

Kiltz, Suzuki, and Drago is likewise improper. Applicants already have discussed, in their prior response dated June 13, 2005, the impropriety of the combination of Kiltz and Drago alone.

In view of the foregoing, claims 57 and 64 patentably distinguish over the combination of Kiltz, Suzuki, and Drago and are in condition for allowance. Therefore the rejections of these claim should be withdrawn.

Claims 58-63 and 65-70 depend from claims 57 and 64, respectively, and are allowable at least based on their dependency.

b. Independent Claim 71

Like claim 51, claim 71 is directed to a computer readable medium encoded with a first program that, when executed on a processor, performs a method for executing a lighting program to control a plurality of light emitting diodes (LEDs), wherein the processor is programmed with a second program that processes an audio input to determine at least one characteristic of the audio input. Claim 71 also recites, *inter alia*, receiving information from the second program relating to an input from at least one timer and generating at least one of the control signals based at least in part on the input from the at least one timer. At least for reasons similar to those discussed above in connection with claim 51, claim 71 patentably distinguishes over the combination of cited references and is in condition for allowance.

Claims 72-77 depend from claim 71 and are allowable based at least upon their dependency.

c. Independent Claim 78

Like claim 35, claim 78 is directed to an apparatus for executing a lighting program to control a plurality of light emitting diodes (LEDs). Claim 78 also recites, *inter alia*, that the at least one controller generates at least one of the control signals based at least in part on the at least one characteristic of the audio input and an input from at least one timer. At least for reasons similar to those discussed above in connection with claim 35, claim 78 patentably distinguishes over the combination of cited references and is in condition for allowance.

Claims 79-85 depend from claim 78 and are allowable based at least upon their dependency.

d. Independent Claim 91

Claim 91 is directed to a method for executing a lighting program to control a plurality of light emitting diodes (LEDs). The method comprises acts of: (A) receiving an audio input, wherein the audio input is in a digital music file format; (B) analyzing the audio input to determine at least one characteristic of the audio input; (C) storing information related to the at least one characteristic of the audio input; (D) executing the lighting program, after completion of the act (C), to generate control signals to control the plurality of LEDs, wherein the lighting program is arranged to control the plurality of LEDs to display a lighting sequence comprising at least two lighting effects spaced in time; and (E) during execution of the lighting program in the act (D), reading the stored information and generating at least one of the control signals based at least in part on the at least one characteristic of the audio input.

The combination of Kiltz, Suzuki, and Drago does not disclose or suggest each of the limitations of claim 91. For example, for reasons similar to those discussed in connection with claim 1, the combination of Kiltz and Suzuki does not teach or suggest analyzing the audio input, in a digital music file format, to determine at least one characteristic of the audio input, as recited in claim 91. Drago adds nothing in this respect, and is not relied on for this teaching.

Further, for the reasons discussed in connection with claim 1, one of ordinary skill in the art simply would not have been motivated to combine Kiltz and Suzuki and there would be no reasonable expectation of success in implementing such a combination. Thus, the combination of Kiltz, Suzuki, and Drago is likewise improper.

In view of the foregoing, claim 91 patentably distinguishes over the combination of Kiltz, Suzuki, and Drago and is in condition for allowance. Therefore the rejection of this claim should be withdrawn.

IV. Claim Rejections under 35 U.S.C. §102(b)

On page 45 of the Office Action, claim 90 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Drago (U.S. Patent No. 5,461,188). Applicants respectfully traverse this rejection.

Applicants' claim 90 is directed to a method for authoring a lighting program to control a plurality of light emitting diodes (LEDs) in response to at least one characteristic of an audio input. The method comprises acts of: (A) providing a graphical user interface (GUI) that displays information representative of the plurality of LEDs, a plurality of lighting effects to be assigned thereto, and the at least one characteristic of the audio input; (B) selecting, based on at least one user input provided via the GUI, at least one of the plurality of lighting effects to correspond to at least one of the plurality of LEDs in response to the at least one characteristic of the audio input; and (C) creating a lighting program, based on the at least one user input, for generating control information for the plurality of LEDs.

First, Drago does not disclose or suggest "a graphical user interface (GUI) that displays information representative of the plurality of LEDs, a plurality of lighting effects to be assigned thereto, and the at least one characteristic of the audio input," as recited in claim 90. The Office Action cites element 20 of Fig. 2 of Drago in connection with this recitation.

The cited element 20 is a "user interface circuit 20 which may consist of a series of user operated switches or a keypad" (col. 8, lines 18-19). The user interface circuit 20 does not provide any graphics (e.g., icons, pictures, or menus). In fact, no screen or other mechanism for providing graphics is taught or suggested. Thus, user interface circuit 20 is not a "graphical user interface,"¹ as recited in claim 90.

Further, Drago is completely silent with respect to anything that "displays information representative of the plurality of LEDs, a plurality of lighting effects to be assigned thereto, and the at least one characteristic of the audio input," as recited in claim 90. In fact, the Office Action does not cite any passage of Drago as purportedly providing such a teaching.

¹ See e.g., *WordNet*® 2.0, which defines a "graphical user interface" as "a user interface based on graphics (icons and pictures and menus) instead of text." *WordNet*® 2.0. 2006. <http://wordnet.princeton.edu/> (3 May 2006).

Second, Drago does not teach or suggest “selecting, based on at least one user input provided via the GUI, at least one of the plurality of lighting effects to correspond to at least one of the plurality of LEDs in response to the at least one characteristic of the audio input,” as recited in claim 90. The Office Action cites col. 8, lines 20-25 of Drago in connection with this recitation.

The cited passage merely discloses that sound and light programs can be selected, edited, or added via user interface 20. The passage makes no mention of *how* the programs are selected, edited or added. Thus, the cited passage does not disclose the recited step of selecting at least one of the plurality of lighting effects to correspond to at least one of the plurality of LEDs in response to the at least one characteristic of the audio input. Further, no other portion of Drago teaches or suggests this act of selecting.

For at least these reasons, claim 90 patentably distinguishes over Drago, and is in condition for allowance. Therefore the rejection of this claim should be withdrawn.

V. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Conclusion

It is respectfully believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify any concession of unpatentability of the claim prior to its amendment.

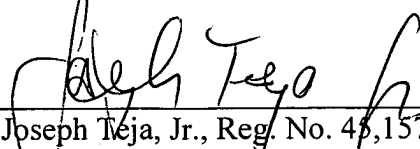
In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: May 8, 2006

Respectfully submitted,

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